Spotlight on transformation

A Developmental Services Bulletin from the Ministry of Community and Social Services

Transformation of the developmental services system for adults in Ontario is continuing. The changes to the system are designed to create a more accessible, fair and sustainable system of community-based supports. Change takes time, but we are making progress and want to keep you informed.

The Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008, including two supporting regulations, will take effect when it is proclaimed by the Lieutenant Governor. At that time, it will repeal the older Developmental Services Act, as well as the Developmental Services Act regulation. This issue of Spotlight contains an update on that process.

We also included updates on the Human Resources strategy and information about new ways for people with developmental disabilities to apply for service.

The Lieutenant Governor in Council Draft Regulation

Before the new Act can come into effect, the ministry has to develop regulations. These are the rules that people must follow. In June 2009, the ministry posted the first regulation that supports the new Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008. It's called a Lieutenant Governor in Council regulation, and it defines some details of the new Act.

We received comments on the regulation from people and organizations across Ontario. In this issue of Spotlight, we'll answer some common questions about the regulation. And we'll provide some insight on how this new rule would help improve developmental services around the province.

Public Review

We posted the draft regulation on our website for everyone to comment on before it becomes final. And you responded. During the 75-day public review period, 245 submissions came in. Over eighty percent of these comments came from parents, self-advocates, family and friends of a person with a developmental disability. The other twenty per cent were from service agencies, provincial organizations, local family networks, family organizations and parent groups.

The ministry has reviewed all of this feedback and is now considering changes to the regulation. Once changes are made, the regulation will be finalized. Watch for upcoming Spotlight bulletins to learn more about the final regulation.

The draft Lieutenant Governor in Council regulation:

1. Defines "significant limitations" in cognitive and adaptive functioning to determine if a person has a developmental disability.
2. Defines "intensive supports" received in an "intensive support residence".
3. Identifies which services and supports under the Act are available for direct funding agreements.
4. Sets the qualifications for those who can conduct assessments to determine whether a person has a developmental disability.
5. Establishes criteria for entry to carry out inspections in service agencies, supported group living residences, intensive support residences and application and funding entities.
6. Sets a process for reviewing the Minister's order to appoint a manager to take over and manage the affairs of a service agency, application entity or funding entity.

To learn more about each of these topics, read the plain language guide to the Lieutenant Governor in Council Regulation posted on the government's Regulatory Registry website, www.Ontariocanada.com/registry. Click on past proposals.

Eligibility for Adult Developmental Services and Supports:

1:Q Why does the definition of significant limitations in cognitive and adaptive functioning include a reference to a person's IQ?

A Standardized intelligence and adaptive behaviour tests provide an objective way to measure a person's level of functioning. These tests will help ensure that eligibility for developmental services and supports is based on fair and consistent criteria. However, the definition in the regulation is flexible and allows psychologists and psychological associates who interpret these tests to exercise clinical judgement in determining eligibility for services and supports.

2:Q Will adults already receiving developmental services and supports have to re-apply when the new Act comes into effect?

A No, the new act "grandparents" adults with a developmental disability who are already eligible for services under the Developmental Services Act. This means that people who are already receiving — or were found eligible to receive — services and supports will not need to reapply. They will not lose their eligibility.

3:Q Will children who are receiving developmental services and supports have to apply and be assessed once they turn 18 and need adult developmental services and supports?

A Yes. The needs of children and young people with developmental disabilities and the services and supports that are available to them are often very different from the services and supports provided to adults.

Service agencies and local communities are encouraged to start planning for children long before they reach adulthood so that plans are in place to support a smooth transition to the adult developmental services system.

To determine eligibility for adult developmental services, the parent or guardian of the child will need to complete the application package and provide any other documentation that the application entity requires. We expect that they will have much of the necessary documentation from previous assessments and their school records.

The Ministry of Community and Social Services will continue to work closely with the Ministry of Children and Youth Services to support young people's transition from the children's system to the adult system.

4:Q Will the new definition of developmental disability allow adults with an autism spectrum disorder, such as Asperger's Syndrome, or adults with Fetal Alcohol Syndrome, to be eligible for developmental services and supports?

A The definitions of developmental disability/significant limitations in the new act and draft regulation are not strictly IQ-based and would include individuals who traditionally may not have been eligible for developmental services. Adults with an autism spectrum disorder or fetal alcohol syndrome may be eligible for adult developmental services and supports.

Individuals applying for services and supports will need to provide any documentation and/or assessments that the Application Entity requires. This information will be used to determine eligbility.

5:Q Which professionals can complete an assessment to determine if a person has a developmental disability?

A Eligibility for developmental services and supports is based on whether a person has significant limitations in cognitive and adaptive functioning.

In Ontario, only psychologists and psychological associates are authorized to interpret psychological tests.

6:Q When will the new eligibility criteria come into force?

A The Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 will come into effect as it is proclaimed by the Lieutenant Governor. The new eligibility criteria will come into force as the new Act is proclaimed.

First, the Ministry of Community and Social Services must finalize the two regulations – rules to support the Act.

Assessing Individual Support Needs

7:Q Can family members who know the person best be involved in the assessment of the support needs?

A The Supports Intensity Scale will be used to determine the types and levels of developmental services and supports that the person with a developmental disability requires.

Family members and those who know the individual well can be involved during the administration of the Supports Intensity Scale.

Intensive Support:

8:Q What is the difference between an "intensive support residence" and a "supported group living residence"?

A In an intensive support residence, **one or two adults** with a developmental disability live and get **full-time** services and supports from the agency. In a supported group living residence, **three or more** adults with a developmental disability live and get services and supports from the agency.

Section 4 of the draft regulation has more details. You can also refer to the definitions in Section 4 (2) of the act.

9:Q How does an intensive support residence differ from other types of residential services and supports?

A The new act prescribes four different types of residential services and supports. They are:

1. Intensive Support Residence – is a home where one or two adults with a developmental disability live and receive full-time services and supports from a service agency.
2. Supported Group Living Residence – is a staff-supported home where three or more adults with a developmental disability live and receive full-time services and supports from a service agency.

3. Host Family Residence - this is where one or more adults with a developmental disability live with a family that is not their own. The host family provides care and support to the person with a developmental disability and is paid by a service agency.
4. Supported Independence Living Residence – this is where one or more adults with a developmental disability live on their own and receive some help from a service agency.

A person with a developmental disability would be considered for an Intensive Support Residence if they require a high level of support that would be best provided in a small group setting because of the nature of the person's needs.

Direct Funding:

10:Q Why can't I purchase residential services and supports or specialized services and supports through a direct funding agreement?

A The purpose of direct funding is to help people with a developmental disability and their families develop and manage the services and supports they need to live as independently as possible.

Under the draft regulation, the services and supports that are eligible for direct funding include:

- activities of daily living services and supports;
- community participation services and supports;
- caregiver respite services and supports; and
- person-directed planning services and supports.

Although residential services and supports are not eligible for direct funding under the draft regulation, people are allowed to use direct funding to create individualized living and support arrangements. The two main types of services and supports that can be purchased with direct funding to create these individualized approaches are:

- Activities of daily living services and supports; and
- Community participation services and supports.

11:Q What do you mean by activities of daily living services and support?

A Activities of daily living services and supports are intended to help people who have a developmental disability with personal care, homemaking, life skills and life skills training that allow them live as independently as possible in their own home. Activities of daily living services and supports would include personal hygiene, grooming and dressing, taking medication and menu planning and meal preparation.

While most activities of daily living services and supports are likely to be provided in the person's home, help with or training in life skills such as using public transportation and banking, would be considered an activity of daily living service and support, and could take place outside the home.

12:Q What about community participation services and supports?

A Community participation services and supports provide opportunities to participate in activities in the community. They are intended to promote independence and meaningful activities outside the home in a variety of settings depending on the goals and needs of the person. Examples of community participation services and supports include:

- activities that enhance social skills and participation in social groups such as faith-based organizations or personal interest clubs
- personal development courses
- volunteering, employment support and employment preparation activities; and
- activities that develop skills in using community resources such as shopping centres, public libraries and transportation systems.

Entry

13:Q Why would the ministry give a service agency, application entity or funding entity two weeks notice before it conducts an inspection?

A The ministry will provide service agencies, application entities or funding entities with two weeks notice prior to entry to conduct a routine compliance inspection. Two weeks will allow the service agency, application entity, or funding entity time to prepare for the routine inspection by ensuring they have their records on hand. In the case of a residential setting, the agency has time to notify the people who live there.

14:Q If a service agency, application entity or funding entity is not in compliance at the time of an inspection, does that mean that the ministry will automatically appoint a manager? Are there no intermediate steps to be taken?

A The ministry will provide service agencies, application entities or funding entities with two weeks notice prior to entry to conduct a routine compliance inspection. Two weeks will allow the service agency, application entity, or funding entity time to prepare for the routine inspection by ensuring they have their records on hand. In the case of a residential setting, the agency has time to notify the people who live there.

The Minister will only appoint a manager where there is serious financial mismanagement or an immediate threat to the health, safety or well being to a person receiving services and supports from the service agency, application entity or funding entity.

15:Q Does the ministry have any authority to enter a service agency, application entity or funding entity at other times?

A Yes. The service contract between the ministry and transfer payment agencies gives the ministry the authority to enter service agencies, application entities and funding entities at reasonable times to observe and evaluate the services and inspect all records relating to the services.

Request to Review an Order Appointing a Manager:

16:Q **Will the ministry give a service agency time to resolve any areas of non-compliance before a manager is appointed?**

A Only in circumstances where there is serious financial mismanagement or an immediate threat to the health, safety or well being of a person receiving services will the ministry appoint a manager. In all other circumstances, the ministry will work closely with the service agency, application entity or funding entity to identify areas of non-compliance and the steps that need to be taken to restore compliance.

17:Q **Who conducts the review, the ministry or a third party?**

A The decision regarding who will conduct a review of a Minister's order to appoint a manager will be based on a case by case basis, depending on the areas of non-compliance and the expertise needed to take corrective action.

The Minister's Regulation

The ministry is preparing to post the second draft regulation that supports the new Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008. It's called the Minister's draft regulation on Quality Assurance Measures.

This regulation is still draft and will be posted on our website for everyone to comment on before it becomes final. Regulations define the details of legislation, so we need your input to create a law that works for everyone. We will consider all written comments and submissions as we prepare the final draft of the regulation.

The Minister's draft regulation would set quality assurance measures for ministry-funded application entities and service agencies that provide services and supports to adults with developmental disabilities.

Quality assurance measures will tell us if an agency is providing good quality services and supports. They will set standards that application entities and service agencies across Ontario must follow. The quality assurance measures in this draft regulation reflect positive ways to support adults with a developmental disability.

To learn more about the draft regulation and how to submit comments, visit **www.ontario.ca/community**. Go to the developmental services section.

Update on the Developmental Services Human Resource (HR) Strategy

In our last issue, we shared information about the work of Committees of the Developmental Services HR Strategy. They're still hard at work and we have another update on what they're doing to transform human resources practices in developmental services:

- The Agency-based Training Committee received a very good response from agencies to the training survey and is now working on data analysis.
- The core competencies or, necessary skills for developmental services staff, were introduced to the sector during the Core Competencies Forum held on October 29, 2009. A pilot project to be used for the implementation of core competencies was also presented.
- The Marketing Committee will select a marketing firm and work with them to create tools that will be used to market employment opportunities in Ontario's developmental services sector.
- The Best HR Practices Committee conducted focus groups to collect information and examples of the best HR practices utilized by Ontario's developmental services agencies.
- The Program Standards Committee is conducting an analysis to determine the similarities and differences between the core competencies and the Developmental Services Worker (DSW) college program standards and DSW Apprenticeship skills set.

Application Entities

One of the big changes that is coming out of the transformation and new Act is a new way for people with developmental disabilities to apply for supports.

The new application process means that everyone follows the same steps when they apply for developmental services and supports. It also means that the same rules are followed when decisions are made about who gets services and supports, what each person needs and the amount of support they get.

The new application process has two separate parts: "application entities" and "funding entities." In preparation for the new legislation to take effect, the ministry is proceeding with a planning process for the establishment of an application entity in each region. Funding entities are still in the policy development phase and additional information will be provided in future editions of Spotlight on Transformation.

An application entity will be the first place people will go to apply for developmental services. It will give people with developmental disabilities a single point of access to supports, as available.

We will be working with communities to establish the application entities over time. Each region has begun a local community engagement process. As a part of this process, a variety of community stakeholders have been invited to participate in a regional reference group. This group will guide the process and help make sure that a range of perspectives from community stakeholders are considered as we moved forward with establishing the application entities.

Along with regional delivery criteria, application entities will also be required to meet provincial requirements for consistency in the delivery of their functions and the use of provincial tools and processes.

After these steps are complete, and as the new Act is proclaimed, the application entities will be officially designated by the Minister. They will then also assume responsibility for the administration of the new application package.

The new application package consists of two parts:

- the standardized Application for Developmental Services and Supports (ADSS) form; and
- the Supports Intensity Scale (SIS) assessment tool.

The application package has been tested in pilot projects across the province. The SIS tool and the ADSS form help measure support needs and inform support planning for people with a developmental disability. The application package will be administered by trained assessors who are employed in a community agency in each region and will eventually be used with all people who are applying for or receiving ministry funded adult developmental services and supports.

The transformation of Ontario's developmental services system will help to improve the levels of consistency, fairness and sustainability in our community-based support system.

More information about the application package and application entities will be available in future issues of Spotlight.

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